

OFFICIAL COPY

Fresno, California

July 31, 2001

The City Council met in regular session at the hour of 9:00 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor J. R. Coleman, Peoples Church, gave the invocation, and Steven Hamby, Son of Deputy City Clerk Cindy Hamby, led the Pledge of Allegiance to the Flag.

COMMENDATION TO CITY CLERK KLISCH ON HER CERTIFIED MUNICIPAL CLERK ("CMC") CERTIFICATION

PROCLAMATION FOR POLICE CHIEF WINCHESTER

PROCLAMATION OF KRISPY KREME DOUGHNUTS DAY

PROCLAMATION OF CRAIG SCHOOL OF BUSINESS HUMAN RESOURCE MANAGEMENT TEAM DAY - COUNCILMEMBER CASTILLO

PRESENTATION OF FAX ADA ADVISORY COMMITTEE DRIVER APPRECIATION AWARDS - PRESIDENT PEREA

The above commendation, proclamations and presentations were made, read and/or presented.

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Councilmember Quintero announced the funeral for Legion of Valor Museum founder Chuck Monges was held yesterday and called for a moment of silence in his memory.

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REQUEST FOR TRAY MEMO STATUS REPORT BY AUGUST 10<sup>TH</sup> ON THE \$1.3 MILLION MATCH FUNDING FOR THE ROEDING BUSINESS PARK - ACTING PRESIDENT RONQUILLO

Request made.

REQUEST STAFF TO SCHEDULE ON THE AUGUST 21<sup>ST</sup> AGENDA: RESOLUTION SUPPORTING SB 901 (COSTA) ESTABLISHING LEGISLATIVE INTENT TO EXPLORE UTILIZING A MULTI-GOVERNMENTAL JOINT POWERS AGREEMENT FOR THE SITING AND SHARED USE OF GOVERNMENT BUILDINGS IN DOWNTOWN FRESNO, AND DIRECTION TO STAFF TO BEGIN DEVELOPING A JOINT POWERS AGREEMENT WITH REPRESENTATIVES OF THE STATE DEPARTMENT OF GENERAL SERVICES, THE COUNTY OF FRESNO, THE FRESNO REDEVELOPMENT AGENCY AND OTHER INTERESTED PARTIES - ACTING PRESIDENT RONQUILLO

Set for August 21<sup>st</sup> at 9:00 a.m.

**(1B-1) \* BILL FOR INTRODUCTION TO CONSIDER AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE RELATING TO GROUP HOUSING FACILITIES**

**a. BILL - CITY COUNCIL ALTERNATIVE NO. 1**

**b. BILL - PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR ALTERNATIVE NO. 2**

At the request of Councilmember Boyajian the matter was set for introduction on August 21<sup>st</sup> at 5:30 p.m.

**(5G) DIRECT CITY ATTORNEY TO ASSIGN STAFF TO ASSIST IN THE RESEARCH AND PREPARATION OF AN ITEM FOR THE MARCH 2002 BALLOT FOR PUBLIC VOTE RELATING TO PRESERVING THE EATON PLAZA AS A PARK SPACE - ACTING PRESIDENT RONQUILLO**

Acting President Ronquillo requested the matter be set at a time certain this date for citizen convenience. Councilmember Duncan stated he also had people who wanted to speak on the matter and **(2 - 0)** made a motion to continue the matter to the next meeting at a time certain. Acting President Ronquillo spoke in opposition stating it was critical that the matter be heard this date due to the ballot timeline. Upon question of President Perea, City Attorney Montoy advised the Council meeting of October 6<sup>th</sup> would be the last day to consider the matter to meet the veto and ballot timelines.

Acting President Ronquillo made a motion to hear the matter at 2:00 p.m. this date whereupon Councilmember Duncan stated his motion to move or table the matter took precedence. Ms. Montoy concurred and advised since Acting President Ronquillo did have the floor Councilmember Duncan could be ruled out of order. Acting President Ronquillo urged Council vote up or down on hearing the matter at 2 p.m. stating people wanted to know if Council was going to support the direction or not. Upon call, Councilmember Quintero seconded Acting President Ronquillo's motion.

Councilmember Duncan was recognized and upon question, Ms. Montoy advised he could now make his motion to table the matter. Councilmember Duncan stated out of consideration to those who wanted to speak a delay would be appropriate and would not impact anyone's chance of getting the matter on the ballot, and made a motion to table the matter to the next meeting.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Item **5G** tabled to August 21<sup>st</sup>, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea
Noes	:	Boyajian, Quintero, Ronquillo
Absent	:	None

Brief discussion ensued on the issue including prior actions, bringing more dissension to the issue, and the need to have a full deliberative process on whether to place the matter on the ballot. Acting President Ronquillo clarified final action in placing the matter on the ballot would *not* have taken place this date, stressed a promise was made to citizens to have a park and it was only fair for the voters to make a determination, and requested the city attorney provide a report on the initiative process and the City's participation in going forward with the project or not.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	Ronquillo
Absent	:	None

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**(ADOPT CONSENT CALENDAR:)**

**(5D) REQUEST CITY MANAGER TO RESTORE FUNDING TO THE PUBLIC WORKS THERMAL PLASTICS SCHOOL SAFETY PROJECT - COUNCILMEMBER CALHOUN AND PRESIDENT PEREA**

At the request of Councilmember Calhoun and with Council consensus, the matter to be heard at 2:00 p.m. this date.

**ADOPT CONSENT CALENDAR:**

**(1A-2) \* RESOLUTION NO. 01-232 - 3<sup>RD</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$1,094,600 TO FINANCE THE GOLDEN STATE BOULEVARD LEFT TURN LANE, INSTALLATION OF TRAFFIC SIGNALS AND STREET WIDENING**

**a. AWARD A CONTRACT TO GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,149,347 FOR LEFT TURN LANE, INSTALLATION OF TRAFFIC SIGNALS AND STREET WIDENING ON GOLDEN STATE BOULEVARD**

**(1A-3) ADOPT THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA) - MANAGEMENT UNIT 9**

**a. \* RESOLUTION NO. 01-233 - 2<sup>ND</sup> AMENDMENT TO SALARY RES. 01-199 AMENDING SECTION 9, SICK LEAVE USAGE AND COMPENSATION, PARAGRAPH A AND EXHIBIT 2, SECTION 2.1**

**(1A-5) \* RESOLUTION NO. 01-234 - 2<sup>ND</sup>** AMENDMENT TO AAR 01-200 APPROPRIATING \$269,400 OF FEDERAL AVIATION ADMINISTRATION (FAA) GRANT NO. 3-06-0087-25 FOR ADDITIONAL FUNDING FOR THE DESIGN AND CONSTRUCTION OF AIRSIDE/LANDSIDE IMPROVEMENTS AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

**a.** APPROVE THE CHANGE IN FUNDING FOR AMENDMENT 2 TO THE DESIGN SERVICES AGREEMENT WITH REINHARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER, FROM AIP 28 ( AS APPROVED 12/14/99 BY COUNCIL) TO AIP 25 FOR A \$15,800 PORTION OF THE AGREEMENT WITH THE REMAINING \$251,283 OF THE AGREEMENT FUNDED BY AIP 28 AND 2000 AIRPORT BONDS AS PREVIOUSLY APPROVED

**(1A-6)** RESCIND PRIOR COUNCIL APPROVAL OF TWO AGREEMENTS FOR PROFESSIONAL SERVICES AWARDED TO DALE RUTHERFORD, ARCHITECT AND WYLE LABORATORIES UNDER AIP-27; APPROVE TWO AGREEMENTS WITH DALE RUTHERFORD, ARCHITECT, AND WYLE LABORATORIES, INC., TO PROVIDE PROFESSIONAL SERVICES FOR DESIGN OF ACOUSTICAL TREATMENT OF 50 HOMES NEAR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT UNDER FAA GRANT AIP-33 (SUBJECT TO FINAL APPROVAL BY THE FAA); AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENTS ON BEHALF OF THE CITY

**(1A-8)** APPROVE CONTRACT CHANGE ORDER NO. 5 AS REQUIRED BY RES. 94-114 FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL/CONCOURSE EXPANSION PROJECT UNDER FAA AIP GRANT NOS. 3-06-0087-22, 24, 25, 28, 29, 31, 32 AND 34 AND AIRPORT 2000 BONDS; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE CHANGE ORDER ON BEHALF OF THE CITY

**(1A-9)** APPROVE LEASE ADDENDUM NO. 2 TO THE CARGO BUILDING LEASE AND AGREEMENT WITH FEDERAL EXPRESS CORPORATION; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE ADDENDUM ON BEHALF OF THE CITY

**(1A-11)** APPROVE EXTENSION OF A TEMPORARY USE PERMIT ISSUED BY THE CITY TO GLOBE AVIATION SECURITY SERVICES, INC., TO OCCUPY PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID EXTENSION OF TERM

**(1A-12) \* RESOLUTION NO. 01-235 - 1<sup>ST</sup>** AMENDMENT TO AAR 01-200 APPROPRIATING \$1,690,000 TO FINANCE THE PAVEMENT RECYCLING OF VARIOUS STREETS WITHIN THE CITY OF FRESNO, SUMMER 2001, COLD-IN-PLACE METHOD

**a.** AWARD A CONTRACT TO M. J. MENELEE CONSTRUCTION, INC., IN THE AMOUNT OF \$1,638,265.71 FOR SUMMER 2001 PAVEMENT RECYCLING OF VARIOUS STREETS WITHIN THE CITY

**(1A-13)** AWARD CONTRACTS FOR EIGHT (8) DIGITAL COPIERS

**a.** DETERMINING XEROX IS NON-RESPONSIVE TO THE SPECIFICATIONS FOR SECTIONS B AND C

**b.** AWARD A CONTRACT TO MITCH'S BUSINESS MACHINES FOR SECTIONS A, B AND C IN THE AMOUNT OF \$91,755.67 WHICH EXCLUDES COST FOR MAINTENANCE

**c.** REJECT ALL BIDS FOR SECTION D BECAUSE THEY EXCEED THE BUDGET VERY SIGNIFICANTLY; AND

**d.** APPROVE FIVE-YEAR FINANCING THROUGH THE FINANCE DIVISION WITH A TOTAL ANNUAL LEASE PAYMENT OF \$14,500 FOR FIVE COPIERS

**(1A-15)** AWARD A CONTRACT (SECTION “A”) TO KAWEAH CONSTRUCTION CO. IN THE AMOUNT OF \$2,005,553 FOR POWER GENERATION FACILITY (PGF) SITE CONSTRUCTION

**(1A-16) RESOLUTION NO. 01-236** - APPROVING THE ISSUANCE AND SALE OF MULTI-FAMILY HOUSING REVENUE BONDS SERIES 2001 A IN A PRINCIPAL AMOUNT NOT TO EXCEED \$5 MILLION FOR THE PURPOSE OF FINANCING THE ACQUISITION, REHABILITATION AND EQUIPPING OF “THE CALIFORNIAN PROJECT”, AND AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

**(1A-17) RESOLUTION NO. 01-237** - APPROVING THE SUMMARY VACATION OF EXCESS PUBLIC STREET RIGHTS-OF-WAY SOUTH OF SHAW AVENUE ALONG THE EASTSIDE OF BRAWLEY AND THE WEST SIDE OF MARTY AVENUE, AND AN UNUSED WATER MAIN EASEMENT APPROXIMATELY A QUARTER MILE SOUTH OF SHAW AVENUE BETWEEN BRAWLEY AND MARTY AVENUES

**(1A-18)** APPROVE ACQUISITION OF A STREET EASEMENT FROM PROPERTY AT 6720 N. CARRUTH AVENUE FOR THE PRICE OF \$3,7000 FOR IMPROVEMENTS TO FRUIT AVENUE; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW

**(1A-19)** APPROVE ACQUISITION OF A STREET EASEMENT FROM PROPERTY AT 6744 N. CARRUTH AVENUE FOR THE PRICE OF \$3,400 FOR IMPROVEMENTS TO FRUIT AVENUE; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW

**(1A-20) RESOLUTION NO. 01-238** - APPROVING THE SUMMARY VACATION OF A PORTION OF GOLDEN STATE BOULEVARD AND THE ADJOINING RELINQUISHMENT OF ACCESS RIGHTS BETWEEN CHURCH AND EAST AVENUES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE A QUITCLAIM DEED IN FAVOR OF THE ADJACENT OWNER ON BEHALF OF THE CITY

**(1A-22)** APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH PETERS ENGINEERING FOR THE DESIGN OF PLANS AND CONSTRUCTION DOCUMENTS FOR TRAFFIC SIGNAL MODIFICATIONS AND STREET IMPROVEMENTS AT TULARE AVENUE AND FIRST STREET; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

**(1A-23)** APPROVE LEASE ADDENDUM NO. 2 TO THE CARGO BUILDING LEASE AND AGREEMENT WITH UNITED PARCEL SERVICE, INC.; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE ADDENDUM ON BEHALF OF THE CITY

**(1A-24) RESOLUTION NO. 01-239** - APPROVING THE FINAL MAP OF TRACT NO. 5018 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PHASE II OF VESTING TENTATIVE MAP NO. 4381, PROPERTY LOCATED ON THE WEST SIDE OF N. POLK BETWEEN E. ASHLAN AND E. GETTYSBURG AVENUES (COUNCIL DISTRICT 1)

**(1A-25) CONSIDER THE PROPOSED SHEPHERD-CHESTNUT NO. 2 REORGANIZATION**

**1. ACCEPTING THE FINDING OF THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-00-19, R-00-37, TT-4979 THAT THE REORGANIZATION WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT UPON THE ENVIRONMENT AS PREVIOUSLY ADOPTED BY COUNCIL ON 5/22/01**

**2. \* RESOLUTION NO. 01-240 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED SHEPHERD-CHESTNUT NO. 2 REORGANIZATION CONSISTING OF APPROXIMATELY 70 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TO THE CITY OF FRESNO (COUNCIL DISTRICT 6)**

**(1A-26) AUTHORIZE THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING (MOU) WITH COG REGARDING THE RAIL CONSOLIDATION STUDY**

**(1A-27) RESOLUTION NO. 01-241 - AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF) TO PROVIDE THE CITY OF FRESNO WITH AN EXPLOSIVES STORAGE BUNKER**

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO . 2, ANNEXATION NO. 28 (TRACT NOS. 4646 AND 5018)**

**1. RESOLUTION NO. 01-242 - ANNEXING TERRITORY TO CFD NO. 2, ANNEXATION NO. 28 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**2. RESOLUTION NO. 01-243 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 01-244 - DECLARING ELECTION RESULTS**

**4. \* BILL NO. B-66 - ORDINANCE NO. 01-60 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2001-2002 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 28**

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineer Phillips briefly reviewed the staff report as submitted and a motion and second was made to approve staff's recommendation.

Barbara Hunt, 612 "F" Street, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the public hearing. Acting President Ronquillo left the meeting at 10:11 a.m. and returned later.

Mr. Phillips and Deputy City Attorney Hale responded to questions and concerns of Councilmember Calhoun relative to whether assessments levied were adequate for maintenance services, requirements of Proposition 218, purpose of the hearing, the CFD process, if some tracts did not participate, concern with minimal to bad maintenance in District 2, need to insure assessments are adequate, and process to increase assessments.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 01-242, 01-243, 01-244 hereby adopted, and the above entitled Bill No. B-66 adopted as Ordinance No. 01-60 by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(10:15 A.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-01-01, REZONING APPLICATION NO. R-01-02 AND RELATED ENVIRONMENTAL ASSESSMENT, FILED BY WESTCAL, INC., PROPERTY LOCATED ON THE WEST SIDE OF N. WILLOW BETWEEN E. BEHYMER AND E. PERRIN AVENUES (COUNCIL DISTRICT 6)

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-01-01, R-01-02, R-5007, DATED APRIL 27, 2001**

**2. RESOLUTION NO. 01-245 - AMENDING THE 1984 FRESNO GENERAL PLAN AND THE 1989 WOODWARD PARK COMMUNITY PLAN**

**3. BILL NO. B-67 - ORDINANCE NO. 01-61 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 (COUNTY) TO R-1/UGM**

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Haro clarified only the plan amendment and rezone were at issue this date and that the tract map would be presented later, reviewed the project at length including the development of a surface water treatment facility, the police substation and fees, and the multi-purpose trail, all contained in the staff report as submitted, recommended approval, and along with Water Systems Manager McIntyre responded to questions of President Perea relative to the water plant's construction date and the nexus study.

Speaking to the issue were: Les Peterson, Dunkel Engineering, representing the applicant, who requested approval; Barbara Hunt, 612 "F" Street; and Mark Keppler, who presented a letter to Council, a copy of which is on file in the office of the City Clerk, and **(3 - 0)** Michele Sykes, who spoke in opposition to the trail crossing.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the hearing.

Mr. Haro responded to questions of Councilmember Duncan relative to the nexus study and Fresno County's and Madera's participation, how to get them involved in the study, cost for the study and responsibility, the trail crossing being a health and safety issue, and if the trail issue would be discussed further. Councilmember Duncan commented on the undergoing housing shortage and the need for good quality homes, and made a motion to approve staff's recommendation, which was seconded by Councilmember Quintero and later acted upon.

City Attorney Montoy and Mr. Haro responded at length to questions, comments and concerns of Councilmember Boyajian relative to the meaning of CEQA, EIR's and negative declarations, mitigation of some issues not being feasible, purpose of EIR's, cumulative affects of this project on other projects, an EIR not being necessary for this project, if staff ever conducted an EIR or project-focused EIR, environmental checklist ratings, how 450 additional homes in the area would mitigate air quality, concern with air quality and traffic not being addressed, water tables dropping and closed water wells in the area, schools, and subsidizing northeast growth, with Councilmember Boyajian stating more planning was needed and he could not support the project. Acting President Ronquillo stated he would support staff's recommendation and relative to the study commented briefly on the need to look at impacts regionally and charge everyone who used the roadways.

Mr. Yovino, Mr. McIntyre and Assistant Chief Dyer responded to questions of President Perea and Councilmembers Duncan and Castillo and/or clarified issues relative to whether staff's recommendation included the placement of money in escrow pending completion of the nexus study and if the developer was willing to do that, timeline for the surface water treatment plant, water availability pending the plant opening, the police substation, why the process has taken so long when funds had been budgeted and land had been offered, request for timeline on the entire substation process, request for police staff to meet with District 6 residents going to District 4 relative to their concerns, number of homes per acre called for in the general plan for the urban reserve, number of acres eligible for development in the 168 corridor north of Herndon, long-term effect on air quality due to 450 additional homes and 7,000 additional vehicles, if there was any way to determine what the effect of the nexus study would be, if any other developers besides the applicant had committed funds for the study, if an account had been established for the study and if funds were currently set aside, reasoning for collecting funds for a study after the fact, funding and timeline to start the study, how long the study would take to complete, and Madera and Clovis' impacts on roadways and how fees would be collected if the study determines traffic and air quality impacts.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for E.A. No. A-01-01, R-01-02, R-5007, dated April 27, 2001, hereby approved; the above entitled Resolution No. 01-245 hereby adopted; and the above entitled Bill No. B-67 adopted as Ordinance No. 01-61, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

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Brief discussion ensued on the time to hear Contested Consent Calendar and closed session items with Councilmember Quintero and Acting President Ronquillo requesting Item **1A-1** be heard at this time.

**(4 - 0)** On motion of Councilmember Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, Contested Consent Calendar items to be heard at 3:00 p.m. with closed session thereafter, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea
Noes	:	Boyajian, Quintero, Ronquillo
Absent	:	None

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**(10:30 A.M.) APPROVE AGREEMENTS WITH THE CENTRAL VALLEY ENERGY CENTER AND THE FRESNO IRRIGATION DISTRICT (FID) FOR SALE OF 7,000-ACRE FEET OF RECLAIMED WASTEWATER TO SERVE THE WATER SUPPLY NEEDS OF A 1,100 MEGAWATT ELECTRICAL GENERATION FACILITY, AND MAKE A FINDING OF STATUTORY EXEMPTION FROM CEQA**

President Perea commended Interim PUD Director McIntyre for all his work and expertise, spoke briefly in support of the issue stating stabilizing the generation of power for the community was a good deal, and also thanked Councilmember Duncan for all his efforts.

Mr. McIntyre gave an overview of the issue as contained in the staff report as submitted, advised a letter had just been received from Clovis' city manager requesting action be postponed due to Fresno's contractual relationship with Clovis and explained, a copy of which letter is on file in the office of the City Clerk, respectfully requested Council approve the agreements this date due to an upcoming time sensitive hearing and added transactions of this type affecting Clovis' fee calculations were made frequently, and responded to questions of President Perea relative to what was being done at the wastewater facility relative to generating power.

Speaking to the issue were: Frank Middleton, Business Developer, Central Valley Energy Center, and Gary Serrato, FID, who urged support; Keith Freitas, 256 W. Clayton, who requested Council reconsider the matter to determine impacts to the community; and Barbara Hunt, 612 "F" Street.

Mr. Middleton responded briefly to questions of Acting President Ronquillo relative to extra water and if the entire 7,000 acre-feet was needed to cool the generators. Acting President Ronquillo and Councilmember Duncan spoke in support commenting on the need for additional power, the need to be prepared, on this being a unique opportunity to partner with Calpine, and on the importance of not stopping here.

President Perea stated critical decisions had been made in the last six months but this was the most important and made a motion to approve staff's recommendation, which was seconded and acted upon brief discussion. Mr. McIntyre, City Attorney Montoy and Al Galvez, P.G. & E., responded to questions of Councilmember Boyajian and President Perea relative to how the operation would work, if energy would be manufactured at the plant and then sold to different entities, if there were any guarantees the energy would be used in the Fresno area, if CEQA was being avoided, if an EIR would be conducted and if impacts to San Joaquin would be looked at, the statutory exemption, if P.G. & E. would be buying the energy, if Calpine's intention was to build the facility and sell the energy, if any discussion had occurred on the relationship between the City and Calpine once the plant was on-line, and concerns with paying off bonds.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the finding that execution of the subject agreement is statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15271 hereby approved; the agreements with the Central Valley Energy Center and the Fresno Irrigation District for sale of 7,000 acre feet of reclaimed water to serve the water supply needs of a 1,100 megawatt electrical generation facility hereby approved; and the Public Utilities Director authorized to execute the agreements on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(11:30 A.M.) PRESENTATION BY CITY LIGHT & POWER - ACTING PRESIDENT RONQUILLO**  
**1. REQUEST CITY MANAGER TO DESIGNATE STAFF TO RETURN WITH RECOMMENDATION**

Reviewed by Acting President Ronquillo who stated the issue was entering into an agreement with City Light & Power (CLP) to conduct an analysis on the City's street lighting system to identify needs and see if the system could be made more energy efficient for cost savings and explained.

Dave Elder, Executive Director of Pacific Housing and Finance Agency, and representing CLP and Chilton & Associates, stated he felt there was a great potential for reduction in energy consumption on the street lighting which would translate to lower costs and an opportunity to upgrade the system at the same time, requested Council authorize an evaluation to determine if it made economic and environmental sense to go forward with potential savings identified in other communities, and advised numerous meetings had already been held with staff and some council members and offered their assistance and participation in staff's analysis.

Barbara Hunt, 612 "F" Street, spoke in opposition.

Councilmember Duncan stated he felt this was a good thing to look at and made a motion to direct the city manager to return with a recommendation on CLP's proposal on August 21<sup>st</sup>, which was seconded and acted upon after discussion. Councilmember Calhoun stated this was an intriguing concept but questioned if CLP was the only company in the nation that could do this, and requested the motion be amended to direct the city manager to determine if there were other capable companies interested in conducting such an analysis before taking any action. **(5 - 0)** Councilmember Duncan stated he appreciated Councilmember Calhoun's concern but he felt this was a numbers issue more than a competitive issue, clarified the analysis would determine whether this was a financially feasible process, and stated he did not feel anything would be gained by expending more staff time when this company was ready to go and he would not accept the amendment. Councilmember Calhoun stated he respectfully disagreed and felt Council was owed an answer up front on other competitors before inviting someone to do an audit and added time was not critical.

Upon question of Acting President Ronquillo, City Attorney Montoy stated legally Council could move forward with a sole source agreement and policy-wise it was also Council's call. Acting President Ronquillo commented on his meetings with CLP and what was made clear to them and clarified he would not go forward with a contract unless CLP could confirm and verify they would save the City money. Mr. Elder clarified issues and responded to questions of Councilmember Boyajian and President Perea relative to refinancing existing debt being part of the package, motive/benefits for CLP and Pacific Housing & Finance Agency, what CLP's position would be on competitive bidding after they conducted the analysis, and the need to address the competitive bid issue.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the City Manager requested to designate staff to return on August 21<sup>st</sup> with a recommendation on City Light & Power's proposal to upgrade the City of Fresno street lighting system, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Ronquillo
Noes	:	Calhoun, Castillo, Perea
Absent	:	None

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**LUNCH RECESS - 12:22 P.M. - 2:04 P.M.**

**UNSCHEDULED ORAL COMMUNICATIONS:**

APPEARANCE BY ERIN OULD, 5624 N. THORNE, REGARDING NORDSTROM'S AND DOWNTOWN AND NEIGHBORHOOD REVITALIZATION

Appearance made; no action taken.

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**(5D) REQUEST CITY MANAGER TO RESTORE FUNDING TO THE PUBLIC WORKS THERMAL PLASTICS SCHOOL SAFETY PROJECT - COUNCILMEMBER CALHOUN AND PRESIDENT PEREA**

Reviewed by Councilmember Calhoun who stated staff spent a great deal of time researching thermal plastics and found this method of crosswalk striping to be the best and longest lasting product available, noted the program which dealt with schools was extremely cost effective, and questioned if there was any way to restore funding for the project. Public Works Director Williamson stated staff would report back with funding options at the next meeting for Council's consideration including Measure "C" if appropriate and defunding low priority projects, and responded to questions of President Perea relative to whether contingencies in public works projects and salary savings from vacant position could be sources, and total funds needed. Councilmember Boyajian stated this was a great project but the issue was priorities and stated he would not support taking more money out of his district stressing what District 1 received was pathetic. City Manager Hobbs reiterated staff would report back with options at the next meeting and Council could re-prioritize concurring this was a priority issue. An unidentified staff member responded to questions of Councilmember Castillo relative to whether just schools were involved, the vehicle that had been purchased, and if staff was requesting Council's support because of the cost or because staff wanted to re-stripe crosswalks city-wide, with Councilmember Castillo stating his support. There was no further discussion.

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**(3A) APPROVE NECESSARY ADJUSTMENTS TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) TO BALANCE THE FY 2002 GENERAL FUND (BUDGET)**

1. \* RESOLUTION - 6<sup>TH</sup> AMENDMENT TO AAR 01-200 TO ACCOUNT FOR THE LOSS OF ERAF REVENUE IN THE STATE BUDGET
2. \* RESOLUTION - 7<sup>TH</sup> AMENDMENT TO AAR 01-200 TO PA FOR HIGHER UTILITY COSTS IN THE GENERAL FUND
3. \* RESOLUTION - 8<sup>TH</sup> AMENDMENT TO AAR 01-200 TO FUND THE MACIAS GROUP CONTRACT FOR REVIEW OF THE POLICE DEPARTMENT
4. \* RESOLUTION - 9<sup>TH</sup> AMENDMENT TO AAR 01-200 TO PAY FOR THE COST OF A CONSULTANT TO ASSIST IN THE PREPARATION OF THE EMPOWERMENT ZONE APPLICATION
5. \* RESOLUTION - 385<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 ROLLING BACK CERTAIN PARK AND ZOO FEES

Councilmember Calhoun made a motion to approve the above resolutions. Councilmember Duncan requested #3 be voted on separately and Councilmember Quintero recommended all the resolutions be voted on separately.

**1. \* RESOLUTION NO. 01-246 - 6<sup>TH</sup> AMENDMENT TO AAR 01-200 TO ACCOUNT FOR THE LOSS OF ERAF REVENUE IN THE STATE BUDGET**

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 01-246 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**2. \* RESOLUTION NO. 01-247 - 7<sup>TH</sup> AMENDMENT TO AAR 01-200 TO PAY FOR HIGHER UTILITY COSTS IN THE GENERAL FUND**

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-247 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	Quintero
Absent	:	None

**3. \* RESOLUTION NO. 01-248 - 8<sup>TH</sup> AMENDMENT TO AAR 01-200 TO FUND THE MACIAS GROUP CONTRACT FOR REVIEW OF THE POLICE DEPARTMENT**

Councilmember Castillo stated if at least one recommendation from the Macias Group was implemented it would make up for the cost of the review.

On motion of Councilmember Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-248 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Ronquillo, Perea
Noes	:	Duncan, Quintero
Absent	:	None

**4. \* RESOLUTION NO. 01-249 - 9<sup>TH</sup> AMENDMENT TO AAR 01-200 TO PAY FOR THE COST OF A CONSULTANT TO ASSIST IN THE PREPARATION OF THE EMPOWERMENT ZONE APPLICATION**

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-249 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**5. \* RESOLUTION NO. 01-250 - 385<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 ROLLING BACK CERTAIN PARK AND ZOO FEES**

Upon question of President Perea, Budget Manager Bruney stated no other fees were being rolled back or increased.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-250 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3B) APPROVE THE REMOVAL OF RANDALL CARLTON AS INTERIM CONTROLLER AND APPROVE THE APPOINTMENT OF RUTHIE QUINTO AS INTERIM CONTROLLER**

A motion and second was made to approve staff's recommendation. Discussion ensued with City Manager Hobbs and City Attorney Montoy responding to questions, comments and/or concerns of Councilmembers Boyajian, Castillo and President Perea and/or clarifying issues relative to Ms. Quinto's experience, Mr. Carlton's transfer, consequences of non-approval as recommended, status of the national search for the Controller, concerns with the process – not the subject individuals, role of the Controller, structure of the Acting Controller relative to reporting relationship, and preference to leave the Interim Controller in place until receipt of the Controller finalists list. President Perea stated by appointing Ms. Quinto he felt pre-selection for the position was being set up. Acting President Ronquillo stated he concurred with the city manager, emphasized this was an interim position, **(6 - 0)** and stated he was concerned about mis-information and changes were needed.

Lengthy discussion continued with Mr. Hobbs and Ms. Montoy responding to further questions, comments and/or concerns of Councilmembers Castillo and Calhoun relative to how Mr. Carlton's transfer would be impacted by retaining him in his current position and if P.D. would fill their position, the position Mr. Carlton would be transferring to, and what had occurred with the P.D. position since Ms. Quinto was hired. Councilmember Castillo stated it seemed the transfer of Mr. Carlton had been planned all along, questioned if it was possible to have city staff take an oath during budget hearings, commented on directing staff to look into changing the Charter to swear-in staff and directed staff to schedule that matter on the next agenda, and stated a selection process was important for the integrity of the position and he had a concern with someone new becoming Interim Controller.

Councilmembers Duncan and Quintero spoke in support of the city manager and his recommendation with Councilmember Duncan stating Mr. Hobbs was trying to respond to Council's concerns and was presenting the best candidates with Council's best interests at heart. Councilmember Quintero commented on Council's jurisdiction in the matter as specified in the Charter and questioned how far Council was stretching their authority, with Ms. Montoy responding. Acting President Ronquillo reiterated his support for the city manager's recommendation and concurred with Councilmember Duncan's comments, and questioned what Mr. Hobbs liked about Ms. Quinto's management style, with Mr. Hobbs responding and emphasizing all four candidates were capable of serving as Interim Controller and urged one be appointed this date to tackle the issues raised by the Macias Group. Councilmember Boyajian stated Council was not elected to approve all of staff's recommendations and that he could make his own decisions.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the removal of Randall Carlton as Interim Controller hereby approved, and Ruthie Quinto appointed as Interim Controller, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Boyajian, Castillo, Perea
Absent	:	None

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**(3C) APPROVE CONTRACT CHANGE ORDER NO. 9 FOR THE FRESNO LANDFILL CLOSURE AND REGIONAL PARK AND SPORTS COMPLEX**

Parks and Recreation Director Primavera gave a brief overview of the staff report as submitted and a motion and second was made to approve staff's recommendation. Councilmembers Ronquillo, Boyajian and President Perea spoke in support and commended staff, and Mr. Primavera responded to questions relative to the completion date.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, Contract Change Order No. 9 with I.T. Corporation increasing the contact cost up to an additional \$564,008 hereby approved, and the Public Works Director authorized to sign the change order on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:45 A.M. #1) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-1) APPROVE AN AGREEMENT WITH THE FRESNO CITY AND COUNTY CONVENTION & VISITORS BUREAU (CVB), AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE APPROVED AGREEMENT FOR THE CITY**

Convention Center Director Valdez, City Attorney Montoy, Lloyd Kennedy, CVB Executive Director, City Manager Hobbs and President Perea responded to questions of Councilmembers Calhoun, Castillo and Boyajian relative to the \$50,000 for special events, if performance standards were tied to those funds, if there were any areas that needed improvement, criteria for funding special events, CVB's mission statement relative to advertising and prohibited activities, the CVB's mission, number of state conventions recruited by the CVB, the film commission and funding, how the CVB targeted conventions, cost for clean-up of advertising and reimbursing the City for those costs, financial assistance to the Miss California pageant, **(7 - 0)**, and measures taken in attracting/booking conventions.

Councilmember Quintero made a motion to approve the agreement, and along with Acting President Ronquillo Councilmember Duncan and President Perea, commented on or presented questions relative to the amount of labor intensive work that went into booking conventions, funding received from the City of Fresno and County of Fresno and the need for additional funding, number of conventions/special events lost due to the increased convention center

fees, if Mr. Kennedy was aware of issues related to the Destination Imagination event, the need to add more accountability and performance standards to maximize dollars, if the CVB kept statistics on staff's levels of activity and success, and number of conventions/activities lost due to the lack of a union hotel downtown.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the agreement with the Fresno City and County Convention & Visitors Bureau for FY 2001 hereby approved; and the City Manager authorized to execute the agreement for the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**(1A-4) CONSIDER AMENDMENTS TO THE SALARY AND PAR RESOLUTIONS**

**“a.” \* RESOLUTION NO. 01-251 - 1<sup>st</sup> AMENDMENT TO SALARY RES. 01-199, AS AMENDED:**

**1. MODIFYING THE EXECUTIVE PAY RANGES TO REFLECT A 3% SALARY ADJUSTMENT (*Failed*)**

***(NOTE: The new Police Chief's salary issue was subsequently reconsidered)***

**2. AMENDING THE SALARY OF THE CITY CLERK (*Approved*)**

**3. AMENDING THE SALARY OF THE AIRPORT PUBLIC SAFETY SUPERVISOR (*Approved*)**

**4. AMENDING THE SALARIES OF CHIEF POLICE PILOT AND DRUG ABUSE RESISTANCE EDUCATION (DARE) ADMINISTRATOR (*Failed*)**

**5. CREATE THE CLASSIFICATIONS OF ASSISTANT FILM COMMISSIONER (*Approved*); ASSISTANT RETIREMENT ADMINISTRATOR (*Failed*); FILM COMMISSIONER (*Approved*); LABOR RELATIONS SPECIALIST (*Failed*); AND PUBLIC WORKS ADMINISTRATIVE DIVISION MANAGER (*Approved*)**

**6. RETITLING THE SENIOR EVENTS SPECIALIST TO EVENTS COORDINATOR (*Approved*)**

**“b.” \* RESOLUTION NO. 01-252 - 1<sup>ST</sup> AMENDMENT TO PAR 01-201 AMENDING THE EFFECTIVE DATE OF ONE STAFF ASSISTANT POSITION (ADOPTED AFTER ITEM 1A-7)**

Councilmember Calhoun stated there were a number of issues that staff needed further direction on such as Council Assistants' raises and the Chief Police Pilot and DARE instructor positions and elaborated, and made a motion to refer all the matters back to staff with direction to return at their earliest convenience, which motion was seconded by Councilmember Castillo.

Assistant City Manager Souza clarified issues relative to the Council Assistants' raise and along with HR Manager Chavez and City Manager Hobbs responded to questions of Councilmembers Quintero and Castillo relating to the PW Administrative Division Manager position (re advertising and labor issues if an appointment were made), criteria used in determining the E-1 through E-3 salary ranges, if Council Assistants could be placed in the an E-range, how long the E-range system had been in place, and the salary for the new Police Chief including the avoidance of a national search due to the low salary. Mr. Hobbs clarified his previously-made comments stating he did comment on the police chief's salary being low but did not give that as a reason for not conducting an outside search and explained.

Acting President Ronquillo made a motion to limit the Assistant Film Commissioner's salary to \$50,000 with Mayor Chief of Staff White and Mr. Hobbs responding to questions and/or clarifying issues relative to the film commission, funding, and staff salaries. **(8 - 0)** Ms. Chavez, Ms. White, Mr. Souza and City Attorney Montoy clarified issues and/or responded to questions of Councilmembers Boyajian, Castillo and Duncan relative to reason for

the Airport Public Safety Supervisor's salary change, criteria for retitling the Senior Events Specialist, the Mayor not looking to fund the Film Commissioner position with available funds, and the 3% increase for Council Assistants and prior request to set a new range. Mr. Souza stated if Council's desire was to broaden the range for Council Assistants staff would return with appropriate documents on August 21<sup>st</sup>.

Councilmember Duncan stated issues being raised could be addressed on August 21<sup>st</sup> and reiterated there was no need to delay action on the subject resolutions, and relative to the film commission stated it was incumbent upon Council to give the Mayor support because he was taking responsibility for the that endeavor.

Upon question, the makers of the motion agreed to vote on the matters in Resolution "a" separately.

Ms. Montoy, Ms. Souza and Mr. Hobbs responded to additional questions and concerns of President Perea and/or clarified issues relative to definition of "exempt" in the Charter (with Ms. Montoy advising the term was classified and unclassified), concern with the E-ranges and how they could be eliminated, if all positions were funded with 3% increases including un-represented, and it being the responsibility of departments to fund any increases. President Perea stated he was uncomfortable with approving some of the requested increases and questioned if increases were budgeted since Council was being asked to adjust the ranges.

**1. MODIFYING THE EXECUTIVE PAY RANGES TO REFLECT A 3% SALARY ADJUSTMENT  
(RECONSIDERED LATER TO SPECIFICALLY DEAL WITH THE NEW POLICE CHIEF'S SALARY)**

A motion and second was made to approve the modifications. Upon question of Councilmember Castillo, Mr. Hobbs clarified either the increases were factored into departments' budgets or departments would have to find the dollars from within their budgets.

A motion of Councilmember Duncan, seconded by Councilmember Quintero, to modify the executive pay ranges to reflect a 3% salary adjustment failed, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero
Noes	:	Boyajian, Castillo, Ronquillo, Perea
Absent	:	None

*(The new police chief's salary was reconsidered later.)*

**2. AMENDING THE SALARY OF THE CITY CLERK**

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the salary of the City Clerk hereby amended per Council action on June 19, 2001, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None



### 3. AMENDING THE SALARY OF THE AIRPORT PUBLIC SAFETY SUPERVISOR

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the salary of the Airport Public Safety Supervisor hereby amended in accordance with the Airport Peace Officers Association MOU, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero
Noes	:	Castillo, Ronquillo, Perea
Absent	:	None

### 4. AMENDING THE SALARIES OF CHIEF POLICE PILOT AND DRUG ABUSE RESISTANCE EDUCATION (DARE) ADMINISTRATOR

A motion of Councilmember Duncan, seconded by Councilmember Quintero, to amend the salaries of Chief Police Pilot and Drug Abuse Resistance Education (DARE) Administrator *failed*, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero
Noes	:	Boyajian, Castillo, Ronquillo, Perea
Absent	:	None

### 5. CREATING THE CLASSIFICATIONS OF ASSISTANT FILM COMMISSIONER, ASSISTANT RETIREMENT ADMINISTRATOR, FILM COMMISSIONER, LABOR RELATIONS SPECIALIST, AND PUBLIC WORKS ADMINISTRATIVE DIVISION MANAGER

#### Assistant Film Commissioner:

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the creation of the classification of Assistant Film Commissioner in the E-3 range hereby approved, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Ronquillo
Noes	:	Calhoun, Castillo, Perea
Absent	:	None

#### Assistant Retirement Administrator:

A motion of Councilmember Duncan, seconded by Councilmember Quintero, to create the classification of Assistant Retirement Administrator *failed*, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero
Noes	:	Boyajian, Castillo, Ronquillo, Perea
Absent	:	None

Film Commissioner:

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the creation of the classification of Film Commissioner in the E-3 range hereby approved, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Ronquillo
Noes	:	Calhoun, Castillo, Perea
Absent	:	None

Labor Relations Specialist:

A motion of Councilmember Duncan, seconded by Councilmember Quintero, to create the classification of Labor Relations Specialist *failed*, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero
Noes	:	Boyajian, Castillo, Ronquillo, Perea
Absent	:	None

Public Works Administrative Division Manager:

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the creation of the classification of Public Works Administrative Division Manager hereby approved, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Boyajian, Castillo, Perea
Absent	:	None

**6. RETITLING THE SENIOR EVENTS SPECIALIST TO EVENTS COORDINATOR**

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the retitling of Senior Events Specialist to Events Coordinator hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**MOTION TO RECONSIDER #1 - MODIFYING THE EXECUTIVE PAY RANGES TO REFLECT A 3% SALARY ADJUSTMENT FOR THE NEW CHIEF OF POLICE ONLY**

Upon question of President Perea, Mr. Hobbs clarified the salary negotiated for the new Police Chief exceeded the current E-1 ceiling.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, reconsideration of the new Police Chief's salary adjustment hereby approved, by the following vote:

<b>138-51</b>			<b>7/31/01</b>
Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea	

Noes : None  
Absent : None

A motion and second was made to increase the range for the Police Chief 3% above the current range. Acting President Ronquillo questioned if the City was required to match increases given to some represented employees to un-represented employees with Ms. Montoy responding. President Perea stated he was comfortable making the motion as the new media totally misrepresented the issue, and upon request of Councilmember Castillo Mr. Hobbs further clarified the salary issue

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the salary range for the new Police Chief increased 3% above the current range, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

**(1A-7) APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DANIEL, MANN, JOHNSON & MENDENHALL (DMJM) FOR DESIGN OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL/CONCOURSE EXPANSION UNDER FAA AIP GRANT NOS. 3-06-0087-22, 24, 25, 28, 29, 31, 32 AND 34**

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the amendment to the agreement with DMJM for additional design services for the new Terminal/Concourse Expansion Project at the Fresno Yosemite International Airport hereby approved, subject to final approval by the FAA, and the Public Works Director authorized to sign the agreement on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

**(1A-4) CONSIDER AMENDMENTS TO THE SALARY AND PAR RESOLUTIONS (CONTINUED FROM EARLIER)**

**b. \* RESOLUTION NO. 01-252 - 1<sup>ST</sup> AMENDMENT TO PAR 01-201 AMENDING THE EFFECTIVE DATE OF ONE STAFF ASSISTANT POSITION**

On motion of Councilmember Duncan, seconded by Acting President Ronquillo duly carried, RESOLVED, the above entitled Resolution No. 01-252 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

**(1A-10) APPROVE AMENDMENT NO. 2 TO THE LICENSE AGREEMENT WITH BANK OF AMERICA (ATM**

MACHINE)

Airports Development Manager Card and Assistant City Manager Souza responded briefly to questions of Acting President Ronquillo relative to the monthly rental rates and potential additional sites, with Acting President requesting a tray memo on potential sites.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, Amendment No. 2 to the License Agreement with Bank of America (ATM machine) hereby approved, and the Director of Transportation authorized to execute the amendment on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**(1A-14) RESOLUTION NO. 01-253 - ESTABLISHING DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM GOALS FOR 2001-2002 IN U.S. DEPARTMENT OF TRANSPORTATION (DOT) ASSISTED CONTRACTS FOR THE FEDERAL HIGHWAY ADMINISTRATION (FHWA), FEDERAL AVIATION ADMINISTRATION (FAA), AND FEDERAL TRANSIT ADMINISTRATION (FTA)**

Upon request of Councilmember Calhoun, Director of Administrative Services Esquivel clarified the 8% goal that would be achieved by race-conscious measures. Councilmember Duncan noted the City had a choice in allocating the percentages for race-neutral and race-conscious measures, stated he was uncomfortable with specifying 8% for race-conscious contractors and felt it was incumbent upon Council to work faster to eliminate that and explained, and made a motion to adopt the resolution, as amended, for a 10% *race-neutral* goal. Upon call, the motion died for lack of a second.

Acting President Ronquillo commented on the issue and emphasized there were disadvantaged businesses, noted Fresno had a very unhealthy record of businesses not understanding the process and explained, and stated 8% for race-conscious contractors was not enough and not equitable. **(9 - 0)** President Perea presented questions relative to the current DBE Coordinator and how long she had held that position, stated the DBE program was a great program but he felt there was a lack of commitment from the city to meet the goals, and questioned if staff was going to be more aggressive in that effort, with Mr. Esquivel responding. A motion and second was made to adopt the resolution as recommended by staff. Councilmember Duncan clarified his objective was to consider all DBE's equally and not just by race.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-253 establishing a goal of ten percent (10%) for each DBE participation in DOT assisted contracts for the FHWA, FAA and FTA for 2001-2002 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

DISTRICT AND APPROVE AGREEMENTS FOR THE PAINTING OF THE BICYCLE LANES ON: (1) MCKINLEY AVENUE BETWEEN CHESTNUT AND CLOVIS AVENUES (AGREEMENT NO. 00-017 - \$15,000), AND (2) PALM AVENUE BETWEEN BULLARD AND HERNDON AVENUES (AGREEMENT NO. 00-018 - \$5,000)

Chief Engineering Technician Madewell responded to questions of Councilmember Calhoun relative to how the Palm Avenue project would impact street parking.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, (1) the grant accepted and Agreement No. 00-017 for the installation of bicycle lanes on McKinley Avenue between Chestnut and Clovis Avenues hereby approved; (2) the grant accepted and Agreement No. 00-018 for the installation of bicycle lanes on Palm Avenue between Bullard and Herndon Avenues hereby approved; (3) the Public Works Director authorized to sign and approve Agreement Nos. 00-017 and 00-018 with the San Joaquin Valley Air Pollution Control District; and (4) the above entitled Resolution No. 01-254 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(4A) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The Council met in joint session with the Redevelopment Agency at the hour of 5:04 p.m.

**(A) CONSIDER APPROVING A REQUEST FOR CONFLICT OF INTEREST WAIVER REQUESTED BY THE LAW FIRM OF BACIAGALUPI, NEUFELD AND ROWLEY REGARDING REPRESENTATION OF THE REDEVELOPMENT AGENCY (COUNCIL AND AGENCY ACTION)**

Councilmember Duncan stated he reviewed the matter with the City Attorney and was comfortable that any potential problems with approving the request would be virtually non-existent and made a motion to approve. Upon question of Acting President Ronquillo City Attorney Montoy stated an identified conflict and the firm’s request for a waiver were not related.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the request for a conflict of interest waiver hereby approved and the City Attorney authorized to execute the waiver relating to those matters identified in the staff report only, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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The joint bodies adjourned at 5:06 p.m. and the City Council reconvened in regular session. Acting President Ronquillo left the meeting and returned later.

**(4B) CONSIDER APPROVING A REQUEST FOR CONFLICT OF INTEREST WAIVER REQUESTED BY THE**

LAW FIRM OF SAGASER, FRANSON & JONES, REGARDING CITY OF FRESNO/SCOTT ELLIS ENTERPRISES - SCOTT ELLIS (RE SUGAR PINE TRAIL)

Councilmember Duncan advised he reviewed the matter with the City Attorney and stated the City was well covered and made a motion to approve the request. Councilmember Boyajian spoke in opposition stating he had a hard time with the firm suing the City for \$5 million and the City also being a client of theirs and explained.

A motion of Councilmember Duncan, seconded by Councilmember Quintero, to authorize waiving the conflict of interest as to the matter identified in the staff report only failed, by the following vote:

Ayes	:	Duncan, Quintero, Perea
Noes	:	Boyajian, Calhoun, Castillo
Absent	:	Ronquillo

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**(5A) RESOLUTION - IN SUPPORT OF AB 911 PROPOSING TO BAN THE USE OF HAND-HELD CELLULAR TELEPHONES WHILE DRIVING - COUNCILMEMBER CALHOUN**

Briefly reviewed by Councilmember Calhoun who stated this was a serious safety issue and he felt it would be healthy to have a debate and requested a hearing be set. By Council consensus a hearing was set for August 28<sup>th</sup> at 4:00 p.m.

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**(5B) COUNCIL DIRECTION REGARDING PROPOSED DESIGN GUIDELINES AND STANDARDS FOR THE CITY OF FRESNO - COUNCILMEMBER CALHOUN**

Reviewed by Councilmember Calhoun who stated he felt, with the exception of the Tower District and some Civic Center Square area developments, that Fresno and downtown with all the projects in the works, did not really have a “sense of place” like the cities of Santa Barbara and Santa Fe, New Mexico and explained, stated he felt the issue needed to be addressed and he wanted to set a public meeting (outside of Council meetings) which he would chair to receive input from interested citizens, planning/architectural professionals, etc., and played a video he used in his campaign which talked about a “sense of place”.

Development Director Yovino advised everything Councilmember Calhoun just stated and everything in the video was echoed in the general plan, concurred Fresno had a problem in defining character and it was necessary to start now in defining a program, and stated his staff would work with Councilmember Calhoun in sponsoring forums adding forums were a very good idea. Councilmember Duncan commended Councilmember Calhoun and recommended his video be played on cable channel 14. Councilmember Boyajian stated this was a great issue to talk about but emphasized implementation was the important element and he did not see that happening and explained, with Mr. Yovino responding. Councilmember Calhoun stated he would work with Mr. Yovino and there was no further discussion.

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**(5C) APPOINTMENT OF A COUNCILMEMBER TO BE A REPRESENTATIVE TO THE LEAGUE OF CALIFORNIA CITIES - PRESIDENT PEREA**

President Perea questioned if Councilmember Calandra was the last member to the LCC and if the LCC was one of the city's formal committees, with City Clerk Klisch responding. Councilmember Calhoun advised he attended a meeting in Madera and the people in attendance were shocked to see a Fresno representative there, stated the presentation made was very valuable and pertinent to the types of things Fresno did, and noted Fresno paid dues and questioned if Fresno had a roll in the League and/or if Fresno even cared. City Manager Hobbs responded stating he concurred Fresno was not represented as much as it should be, stated he would like to see more involvement from both the staff side (although not at this time and explained) and the Council side, and urged Council involvement in both the California and National Leagues. Councilmember Boyajian concurred stating this was a tremendous and invaluable thing and explained, and recommended alternating representatives. Acting President Ronquillo returned to the meeting at 5:33 p.m. President Perea stated he would dialog further with the city manager and Councilmember Calhoun commented briefly stressing attendance at meetings was a good use of city money and offered his assistance.

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**(5E) DIRECT THE CITY MANAGER TO RESTORE THE 2001 FEE SCHEDULE FOR THE CONVENTION CENTER UNTIL A WRITTEN JUSTIFICATION IS PRESENTED TO COUNCIL AND A DEPARTMENT ANALYSIS BY THE WILLIAM KIRCHOFF & ASSOCIATES IS COMPLETE. FUNDING FOR THE STUDY TO COME FROM THE CONVENTION CENTER BUDGET - COUNCILMEMBER DUNCAN**

Councilmember Duncan stated he had major concerns about the significant increases in convention center fees which came to Council at the last minute without any discussion, debate or justification, stated this was costing the city business and advised of a special major event (and a related second event) that was lost due to the fees being increased, advised a commitment was made on the price which was not honored and explained, expressed additional concerns on the process and made a motion to approve his direction as outlined above, and requested the convention center's \$3.5 million financial issue also be included in the report. Acting President Ronquillo stated he would support the motion upon seeing evidence that a commitment was made and staff reneged on it **(10 - 0)**, with Councilmember Duncan accepting that as an amendment, whereupon Acting President Ronquillo seconded the motion.

Councilmember Boyajian questioned why City and CVB staff could not just be called in to answer key questions on the increases and the event and then authorize an audit if necessary, and commented briefly on micro-managing. Discussion ensued with City Attorney Montoy and City Manager Hobbs responding to questions and/or comments of Councilmembers Castillo and Calhoun relative to the audit and cost, if the Macias Consulting Group(MCG) had been contacted on this issue, the possibility of getting MCG to move up their schedule on the convention center's analysis, cost for Kirchoff to conduct the analysis, having staff appear before Council before authorizing an audit, and the need to trust staff and not micro-manage. Acting President Ronquillo noted the cost of the audit would be recovered, stated he did not see a downside to an independent analysis, and stated this was not micro-managing especially since a council member had a project he thought was in place and put personal attention into it only to later understand someone reneged on a potential agreement. Councilmember Duncan stated the last thing he was proposing was micro-managing, noted the Destination Imagination event brought the whole issue to the surface for him, emphasized the convention center was currently \$3.5 million in the hole and there was a problem and he felt it was incumbent upon Council to take a look at the operation thoroughly, clarified his concern was not with any individual but with the operation of the

convention center itself, and stated Destination Imagination was indicative of bigger issues and requested Council at least support the Kirchoff evaluation. Councilmember Castillo stated the convention center director should at least be given the opportunity to answer questions and advised he was not opposed to honoring a commitment or to an audit but noted

the Macias Group had not even been contacted to see if they could fast-track their schedule.

Councilmember Duncan modified his motion to restore the fees for Destination Imagination to the original quote and added he would schedule the issue for further discussion on August 28<sup>th</sup> and invite staff. Councilmember Quintero left at 5:59 p.m. and was absent for the remainder of the meeting. Upon questions of Acting President Ronquillo and Councilmember Boyajian, Councilmember Duncan stated he would ask the city manager to verify that staff did, in fact, make a commitment on price and on the 28<sup>th</sup> Council could present questions to staff on the Destination Imagination event and talk more formally about the Kirchoff group conducting an evaluation.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the fees for the Destination Imagination event to be restored to the original quote, and further discussion on the matter, including a departmental analysis by Kirchoff & Associates, set for August 28, 2001, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	Quintero

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**(5F) RESOLUTION NO. 01-255 - SUPPORTING ASSEMBLY CONSTITUTIONAL AMENDMENT (ACA) 10 (COGDILL) PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE, BY ADDING A SECTION RELATING TO LOCAL GOVERNMENT FINANCE PROPERTY TAX REVENUE ALLOCATION (LOCAL AGENCY RELIEF)**

A brief overview was given by Councilmember Duncan who made a motion to adopt the resolution.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-255 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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Councilmember Calhoun questioned and requested clarification on the reporting responsibility of the Deputy Mayor, Mayor Chief of Staff and Educational Liaisons, with City Manager Hobbs and City Attorney Montoy stating all staff assigned to the Mayor’s office were appointed by the city manager under the charter.

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1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)
2. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 100 (IBEW)
3. City OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)

(B) CONFERENCE WITH LEGAL COUNSEL - FRIEND OF THE COURT PARTICIPATION - CASE NAME: RUBIN . CITY OF BURBANK - SECOND APPELLATE DISTRICT CASE NO. B-148288

(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE OF LITIGATION - CASE NAME: ONE POTENTIAL CASE - CASE NAME UNSPECIFIED (DISCLOSURE OF TITLE WOULD EITHER JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS OR JEOPARDIZE ABILITY TO CONCLUDE EXISTING SETTLEMENT NEGOTIATIONS TO THE CITY'S AND AGENCY'S ADVANTAGE)

(D) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: MIKE MORALES, CECILIA MORALES, AND JOHN BEHRENS V. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, CITY OF FRESNO

The City Council met in closed session in Room 2125 at the hour of 6:05 pm. to consider the above issues and adjourned thereafter.

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:27 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 21<sup>st</sup> day of August, 2001.

ATTEST:

Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk